



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/008,241	01/16/1998	DAVID S. STUTZ	777.115USR	6009

26119 7590 04/12/2002

KLARQUIST SPARKMAN CAMPBELL LEIGH & WHINSTON LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER

COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	13

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

09/008,241 Reissue Application

See attached Notice of Non-Responsive Amendment

ST. JOHN COURTENAY III
PRIMARY EXAMINER

Notice of Non-Responsive Amendment

The communication filed on Dec. 26, 2001 is non-responsive to the prior office action because the oath or declaration is defective, as set forth in the office action mailed Sept. 13, 2001. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

An exact copying of the new claim does not meet the requirement See M.P.E.P. 1414 (i.e., "it is not sufficient to merely reproduce the claims with brackets and underlining and state that such will identify the error"). Stating that one did not claim that which is now claimed, without identifying the specific feature, does not meet the requirement.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or within the time remaining in the response period of the last Office action, whichever is the longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED UP TO A MAXIMUM OF SIX MONTHS.

See 37 C.F.R. § 1.111(c), See M.P.E.P 714.03 - "Amendments not fully responsive, Action to be Taken"

How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **St. John Courtenay III** whose voice telephone number is (703) 308-5217. A voice mail service is also available at this number.

- All responses sent by U.S. Mail should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
- Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

IMPORTANT CHANGE IN PTO FAX POLICY:

- AFTER-FINAL faxes must be signed and sent to: (703) 746-7238.
- OFFICIAL faxes must be signed and sent to: (703) 746-7239.
- NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240, or to Examiner Courtenay's desktop computer at 703-746-5472.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

To avoid ongoing Washington D.C. area mail processing delays, the Examiner requests that Applicant direct all communications to the PTO by fax. All incoming faxes are securely stored on PTO computers that are dedicated to fax reception. If you send a fax, please do not send duplicate papers via U.S. mail.

- Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (703) 305-3900.

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to: Technical Center 2100 CUSTOMER SERVICE: 703 306-5631

**ST. JOHN COURTENAY III
PRIMARY EXAMINER**

Normal Flex work schedule: Sun. 1/2 day, Sat. 1/2 day, Monday, Tuesday off, Wed., Thurs., Friday.

